

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES M. BLAIR,

CASE NO. C17-0265-JCC

10 Plaintiff,

ORDER

11 v.

12 CITY OF MERCER ISLAND,

13 Defendant.
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15 This matter comes before the Court on Defendant's unopposed¹ motions to continue the
16 trial date (Dkt. No. 42) and extend the time to file dispositive motions (Dkt. No. 44). Having
17 thoroughly considered the parties' briefing and the relevant record, the Court GRANTS the
18 motions for the reasons explained herein.

19 Defendant seeks an additional continuance of the trial date, following a *sua sponte*
20 continuance by the Court. According to Defendant, counsel is unavailable on the date selected by
21 the Court, July 30, 2018, and a change of counsel would pose a hardship because of current
22 counsel's trial preparation to this point. (Dkt. No. 42 at 2–3.) Defendant also seeks an extension
23 of time to file dispositive motions, based on changes to Plaintiff's alleged causes of action during
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25 ¹ Plaintiff filed untimely responses in opposition to both of Defendant's motions. (*See*
26 Dkt. Nos. 49, 50) (due March 7, 2018 per Local Rule 7(d)(2) but filed on March 12, 2018). The
Court considers these untimely responses as an admission that Defendant's motions have merit.
W.D. Wash. Local Civ. R. 7(b)(2).

1 the pendency of this proceeding. (Dkt. No. 44 at 2–3.) Defendant asserts that a summary
2 judgment motion would narrow and potentially eliminate remaining issues for trial. (*Id.* at 3.)

3 Scheduling orders may be modified for good cause. Fed. R. Civ. P. 16(b)(4). The Court
4 finds good cause to continue the trial date and extend the time to file dispositive motions.
5 Defendant was diligent in pursuing discovery and preparing for trial; there is a significant need
6 for a continuance; the inconvenience to the opposing party, witnesses, and the Court is minimal;
7 and denial of a continuance would result in a hardship to Defendant. (*See* Dkt. Nos. 42 at 2–3, 44
8 at 3–5); *U.S. v. 2.61 Acres of Land*, 791 F.2d 666, 670–71 (9th Cir. 1986).

9 For the foregoing reasons, the Court GRANTS Defendant’s motion to continue the trial
10 date (Dkt. No. 42) and Defendant’s motion to extend the time to file dispositive motions (Dkt.
11 No. 44). The Court enters the amended case management deadlines below. Defendant previously
12 filed motions *in limine* (Dkt. No. 35). The Court will consider these motions *in limine*, as well as
13 additional motions *in limine* filed by either party, consistent with these amended case
14 management deadlines.

15 Amended case management deadlines are as follows:

- 16 • Dispositive motion cutoff: April 27, 2018
- 17 • Motions *in limine*:² July 12, 2018
- 18 • Objections to motions *in limine*:³ July 23, 2018
- 19 • Pretrial order: August 10, 2018
- 20 • Trial briefs, Proposed Voir Dire,
21 Proposed Jury Instructions & Verdict Form: August 13, 2018
- 22 • Trial date: August 20, 2018

23 The Clerk is DIRECTED to re-note Defendant’s motions *in limine* (Dkt. No. 35) to July
24 27, 2018.

25 ² Both parties may provide additional motions *in limine* by this date.

26 ³ Both parties may object to any motion *in limine* by this date.

1 DATED this 14th day of March 2018.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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